

Court OK's Legislature's Action on Initiative 199:

Voting By Districts Is Upheld

By United Press

OLYMPIA, Dec. 24.—The constitutionality of the Legislature's amendment of Initiative 199, legislative-redistricting initiative, was upheld today by the State Supreme Court.

The vote was 5-4.

The 1957 Legislature in an unprecedented move amended the initiative, which was passed by the voters last year to equalize representation in the Legislature. The major difference between the initiative and the amendment was that the Legislature's act was based on precincts whereas the initiative based its redistricting on census tracts.

Inflexibility Removed

The Supreme Court's opinion, written by Judge Richard Ott, said it was clear that the people, by adopting the 26th Amendment to the State Constitution, "recognized the propriety of removing the inflexibility which existed under an earlier amendment, by permitting the

Legislature to amend any initiative measure adopted by the people."

The State League of Women Voters, sponsor of Initiative 199, contended that the Legislature repealed their measure rather than amending it. The court rejected the contention.

The court said that the Legislature's action "constituted an amendment of the act well within the purview of the definition of the term."

Most Districts Altered

Judge Ott was joined in his majority opinion by Judges Joseph Mallery, Hugh J. Rosellini, Robert Hunter and Robert Finley.

The dissenting opinion was written by Judge Frank Weaver. He was joined by Judges Harry Ellsworth Foster, Charles T. Donworth and Matthew Hill.

Judge Weaver said that unless the Legislature authorizes an enumeration of population by precincts, no redistricting or reapportionment based on precincts as parts of a legislative district would be constitutional.

The Legislature altered all but five of the 49 districts provided in the initiative.

Boundaries of 15 districts will be restored as they were before Initiative 199 was adopted. In 24 districts the major change will be to substitute census-tract basis with the precinct basis. Three new districts will be created.